APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,269	01/18/2001	Richard J. Lipton	1234-US	6157

			EXAMINER
9941	7590	07/30/2004	ZIA, MOSSADEQ

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ART UNIT	PAPER NUMBER
2134	

DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/765,269	LIPTON ET AL.
	Examiner	Art Unit
	Mossadeq Zia	2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01-18-2001</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-21</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-21</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>4</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 20, 21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. By stating "determining if any of the bits attempted to be written to the memory are transmitted to someplace other than the memory", this examiner is unable to clearly understand it's meaning from the specification. Applicant needs to set forth clearer steps showing exactly how "bits attempted to be written to the memory are transmitted to someplace other..." is determined.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 6-9, 12-21 are rejected under **35 U.S.C. 102(e)** as anticipated by Patent No. 6,449,720, Sprague et al.

- Regarding claim 1, Sprague shows a method for identifying the existence of one or more unknown programs in a system, said method comprising the steps of:

attempting to write a predetermined number of bits to a memory in the system, wherein the predetermined number of bits is based on size of the memory (Sprague, col. 3, line 9-11);

determining if any of the bits attempted to be written to the memory are transmitted to someplace other than the memory (unknown application, Sprague, col. 3, line 50, 52-54);

reading from the memory a number of bits equal to the predetermined number of bits attempted to be written to the memory (Computed MAC is compared, Sprague, col. 10, line 12-17);

determining if the bits read from the memory match the bits attempted to be written to the memory (inspects, Sprague, col. 3, line 35-39); and

determining that no unknown program is resident in the memory if the read bits match the bits attempted to be written (load) and that none of the bits attempted to be written were transmitted to someplace other than the memory (granted permission, col. 3, line 60-65).

- Regarding claim 2, Sprague shows claim 1 above, but fails to clearly show further the step of :

executing an application program if it is determined that no unknown program is resident in the memory (after determining applet is entitled to access.... runs the applet, Sprague, col. 3, line 36-41).

- Regarding claim 6, Sprague shows claim 1 above, and further comprising the steps of:

    assuring that an application program is signed (Sprague, MAC, col. 10, line 14-16);

    executing the application program if it is determined no unknown program is resident in the memory (Sprague, col. 15, line 17-20); and

    delivering a stream of bits to the system for use by the application program (perform functions, Sprague, col. 2, line 18-19).

- Regarding claim 7, Sprague show claim 1 above, and further show the method is repeated a predetermined number of times (attempt to load, Sprague, col. 13, line 19, 27-28).

- Regarding claim 8, Sprague shows claim 1 above, wherein the predetermined number of bits that are attempted to be written to the memory include a pseudo-random sequence of bits (cryptographic keys, Sprague, col. 6, line 22-23).

- Regarding claim 9, Sprague a system, comprising:

    at least one processor; a memory at least one storage device (Computer, RAM, Sprague, col. 1, line 60-66),

    wherein the at least one storage device stores a program that the at least one processor executes to perform a method comprising the steps of:

    attempting to write a predetermined number of bits to the memory, where the predetermined number is based on size of the memory (Sprague, col. 3, line 9-11);

reading a number of bits from the memory that is equal to the predetermined number of bits attempted to be written lo the memory (Computed MAC is compared, Sprague, col. 10, line 12-17); and

determining if the bits read from the memory match the bits attempted to be written to the memory (unknown application, Sprague, col. 3, line 50, 52-54); and

a circuit that determines if any of the bits attempted to be written to the memory are transmitted to someplace other than the memory (granted permission, Sprague, col. 3, line 60-65).

•   Regarding claim 12, Sprague shows claim 9 above, and further show the at least one processor executes the application program if it is determined that no unknown program is resident in the memory (Sprague, col. 15, line 17-20), and wherein the system receives a stream of bits that are used by the application program (perform functions, Sprague, col. 2, line 18-19).

•   Regarding claim 13, Sprague shows claim 12 above, wherein the application program is executed if it is determined that the application program is signed (Sprague, MAC, col. 10, line 14-16).

•   Regarding claim 14, Sprague shows claim 12 above, and further show the circuit further determines if any of the stream of bits received are improperly transmitted to someplace other than for use by the application program (determine if MACs are equal, Sprague, col. 13, line 23-29).

•   Regarding claim 15, Sprague shows claim 9 above and further show at least one storage device storing the program and the circuit are included on a board in the system, and wherein a

bus interconnects the board, the memory, and the at least one processor (Sprague, col. 2, line 4-8).

•   Regarding 16, Sprague shows claim 9 above and further show at least one storage device storing the program and the circuit are included on a Personal Computer (PC) card (Sprague, col. 6, line 14-18).

•   Regarding claim 17, Sprague shows an apparatus for identifying one or more unknown programs in a system, said apparatus comprising:

a storage device storing a program that a processor executes to perform a method comprising the steps of:

attempting to write a predetermined number of bits to a memory in the system, reading a number of bits from the memory that is equal to the predetermined number of bits attempted to be written to the memory (Sprague, col. 3, line 9-11), and

determining if the bits read from the memory match the bits attempted to be written to the memory (Computed MAC is compared, Sprague, col. 10, line 12-17); and

a circuit that determines if any of the bits attempted to be written to the memory are transmitted to someplace other than the memory (granted permission, Sprague, col. 3, line 60-65).

•   Regarding claim 18, Sprague claim 17, and further show the apparatus is a Personal Computer (PC) card for use in a computer (Sprague, col. 6, line 14-18).

•   Regarding claim 19, Sprague claim 17, and further show the apparatus is a board for use in a computer (Sprague, col. 6, line 14-18).

•   Regarding claim 20, Sprague shows an apparatus for identifying one or more unknown programs in a system, said apparatus comprising:

a circuit that attempts to write a predetermined number of bits to a memory in the system, reads a number of bits from the memory that is equal to the predetermined number of bits attempted to be written to the memory (Computed MAC is compared, Sprague, col. 10, line 12-17), determines if the bits read from the memory match the bits attempted to be written to the memory (inspects, Sprague, col. 3, line 35-39), and determines if any of the bits attempted to be written to the memory are transmitted to someplace other than the memory (unknown application, Sprague, col. 3, line 50, 52-54).

•   Regarding claim 21, Sprague shows a system, comprising:

means for determining if any of the bits attempted to be written to memory are transmitted to some place other that the memory (determine if MACs are equal, Sprague, col. 13, line 23-29);

the system, wherein the predetermined number of bits is based on size of the means for reading from the memory a number of bits that is equal to the predetermined number of bits attempted to be written to the memory (Sprague, col. 3, line 9-11);

means for determining if the bits read from the memory match the bits attempted to be written to the memory (inspects, Sprague, col. 3, line 35-39); and

means for determining that no unknown program is resident in the memory if the read bits match the bits attempted to be written to the memory (load) and that none of the bits attempted to be written to the memory are transmitted to someplace other than the memory (granted permission, col. 3, line 60-65).

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 3, 4, 10, 11 are rejected under **35 U.S.C. 103(a)** as being unpatentable over Patent No.

6,449,720, Sprague et al. in view of Patent No. 6,330,670, England et al.

•   Regarding claim 3, Sprague shows claim 2 above, but fail to further show comprising the

steps of:

receiving video data from a server and displaying the video data using the application

program.

However, England teaches a digital rights management operating system that protects

right-managed data, such as downloaded content (receiving video data from a server), from

access by untrusted programs while data is loaded into memory as a result of the execution of a

trusted application (program) that accesses the memory (England, col. 4, line 1-5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Sprague as per teaching of England to include digital rights management

operating system that protects the rights of the content provider (England, col. 3, line 57-58).

Furthermore, it would have been obvious that the data received from the server would be

targeted for the appropriate application in Sprague (main application program, Sprague, col. 2,

line 11).

•   Regarding claim 4, Sprague shows claim 2 above, but fail to further show comprising the

steps of:

receiving information regarding reading material from a server; and

displaying the reading material using the application program.

However, England teaches a digital rights management operating system that protects

right-managed data, such as downloaded content (receiving reading material data from a server),

from access by untrusted programs while data is loaded into memory as a result of the execution

of a trusted application that accesses the memory (England, col. 4, line 1-5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Sprague as per teaching of England to include digital rights management

operating system that protects the rights of the content provider (England, col. 3, line 57-58).

Furthermore, it would have been obvious that the data received from the server would be

targeted for the appropriate application in Sprague (main application program, Sprague, col. 2,

line 11).

•   Regarding claim 10, Sprague shows claim 9 above, but fail to further show wherein the at

least one storage device stores an application program that the at least one processor executes to

perform a method comprising the steps of:

receiving video data from a server; and

displaying the video data, wherein the application program is only executed if it

determined that the bits read from the memory match the bits attempted to be written to the

memory and that none of the bits attempted to be written to the memory are transmitted

someplace other than the memory.

However, England teaches a digital rights management operating system that protects right-managed data, such as downloaded content (receiving video data from a server), from access by untrusted programs while data is loaded into memory as a result of the execution of a trusted application (program) that accesses the memory (England, col. 4, line 1-5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sprague as per teaching of England to include digital rights management operating system that protects the rights of the content provider (England, col. 3, line 57-58). Furthermore, it would have been obvious that the data received from the server would be targeted for the appropriate application in Sprague (main application program, Sprague, col. 2, line 11).

•   Regarding claim 11, Sprague shows claim 9 above, but fails to further show wherein the at least one storage device stores an application program that the at least one processor executes to perform a method comprising the steps of:

receiving information regarding reading material from a server; and

displaying the reading material,

wherein the application program is executed if it is determined that the bits read from the memory match the bits attempted to be written to the memory and that none of the bits attempted to be written to the memory are transmitted to someplace other than the memory.

However, England teaches a digital rights management operating system that protects right-managed data, such as downloaded content (receiving reading material data from a server), from access by untrusted programs while data is loaded into memory as a result of the execution of a trusted application that accesses the memory (England, col. 4, line 1-5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sprague as per teaching of England to include digital rights management operating system that protects the rights of the content provider (England, col. 3, line 57-58). Furthermore, it would have been obvious that the data received from the server would be targeted for the appropriate application in Sprague (main application program, Sprague, col. 2, line 11).

Claim 5 is rejected under **35 U.S.C. 103(a)** as being unpatentable over Patent No. 6,449,720, Sprague et al. in view of Patent No. 6,357,028, Zhu.

• Regarding claim 5, Sprague shows claim 2 above, and further show comprising the steps of:

receiving, from a server, a stream of bits for use by the application program (Sprague, col. 5, line 34-36);

determining if any of the bits are improperly transmitted to someplace other than for use by the application program (determine if MACs are equal, Sprague, col. 13, line 23-29); and

but fail to show transmitting a message to the server if it is determined that any of the bits are improperly transmitted.

However, Zhu teach to encode the video data in this manner and then send the data, upon receiving the error correction request message from server (client), transmitting terminal (server) stops encoding and packetizing the video data (Zhu, col. 10, 35-37).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Sprague as per teaching of Zhu to gain the benefit of error correction and

concealment during such transmission (Zhu, col. 1, line 9-10).

Conclusion

4.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Mossadeq Zia whose telephone number is 703-305-8425. The

examiner can normally be reached on Monday-Friday between 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Greg Morse can be reached on 703-308-4789. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mossadeq Zia
Examiner
Art Unit 2134

mz
7/21/04